

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.726 OF 2015

Jaywant s/o. Tarachand Jadhav .Applicant

v/s.

The State of Maharashtra & anr. .Respondents

Mr.Omprakash Pandey i/b. Ms A.M.Vasani,
Advocate, for the Applicant

Mrs.P.P.Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 07.09.2015

P.C.

. Heard learned counsel for the applicant
and the learned APP for the respondent – State.

2. By this application, the applicant
seeks pre-arrest bail in connection with C.R.No.
202 of 2015 registered with the MIDC Police
Station, Mumbai, for the alleged offences
punishable under Sections 376 & 420 of the
Indian Penal Code, 1870.

3. According to the prosecution, the complainant and the applicant got acquainted with each other in November, 2013 on the social networking site. Pursuant to the same, the complainant accepted the friend request of the applicant and they started chatting on the face book from November, 2013 to December, 2013. It is alleged that the complainant and the applicant, thereafter, started meeting each other and that the applicant professed his love for her. Some time in March, 2014, the applicant is stated to have called the complainant, pursuant to which, they went to watch a movie. It is alleged that the applicant, thereafter, took the complainant to Juhu beach and after chatting for some time dropped her back home and proposed marriage to the complainant. Thereafter, in August, 2014 the applicant is alleged to have taken the complainant to Jivdani temple, Virar for darshan. It is alleged that

the applicant thereafter took the complainant to Gorai creek and then to a hotel. At the hotel, on the assurance and promise that the applicant would marry her, they had physical relations. According to the complainant, the applicant had disclosed to her parents that he wanted to marry the complainant. It is alleged that in February, 2015, when her mother and sister visited the applicant's parents, they did not give consent to the marriage and the applicant is stated to have told the complainant's sister, that he was not interested in the complainant. The applicant at the relevant time was 28 years and the prosecutrix was 17 years.

4. Learned counsel for the applicant submits that the applicant was in love with the complainant and in fact, wanted to marry the complainant. The same was recorded in the order dated 21.05.2015. Learned counsel for the

applicant has also filed an Affidavit of the applicant and his father to show that the applicant intends to marry the complainant.

5. Learned APP states that the statement of the complainant has been recorded by the police, wherein she has stated that she intends to marry the applicant. Be that as it may, considering the nature of allegations and the material on record, the applicant is granted pre-arrest bail on the following terms and conditions:

ORDER

(i) In the event of arrest, the applicant be enlarged on bail on his furnishing P.R.Bond in the sum of Rs.15,000/- with one or two solvent sureties in the like amount;

(ii) The applicant shall attend the MIDC Police Station, Mumbai as and when called for by the investigating officer;

(iii) The applicant shall not tamper or attempt to contact the complainant or any witness concerned with the said case.

6. The Application is allowed in the aforesaid terms and is accordingly disposed of.

7. It is made clear, that the observations made herein are confined to this application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed Judgment/order.